

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CARLOS SPELLS
Plaintiff,

v.

JOSEPH WILLIAMS, III
AND THE UNITED STATES OF
AMERICA
Defendants

§
§
§
§
§
§
§
§

CIVIL ACTION NO. _____

JURY TRIAL

PLAINTIFF'S ORIGINAL COMPLAINT

Carlos Spells ("Plaintiff"), pursuant to the Federal Rules of Civil Procedure and complaining of Joseph Williams, III and The United States of America (collectively, "Defendants"), for cause of action shows unto the Court the following:

PARTIES AND SERVICE

1. Plaintiff Carlos Spells ("Spells") is an individual residing in Houston, Harris County, Texas.
2. Defendant Joseph Williams, III ("Williams"), an individual who resides in Texas, may be served with process personally at his place of residence, 15001 Crosswinds Drive, Apt. 1501; Houston, Texas 77032, or wherever he may be found.
3. Defendant, United States of America, pursuant to Federal Rule of Civil Procedure 4(i), may be served with process by serving a copy of the summons and complaint to the Civil Process Clerk at 1000 Louisiana, Suite 2300; Houston, Texas 77002 and by sending a copy of the summons and complaint by certified mail to United States Attorney General, U.S. Department of Justice; 950 Pennsylvania Avenue, N.W., Washington, DC 20530-0001.

JURISDICTION, VENUE AND NOTICE

4. The Court has Jurisdiction over the lawsuit because the action arises under the federal Tort Claims Act, (28 U.S.C §1346(b)) and it involves the United States Postal Service, a federal agency of the United States of America.

5. As Plaintiff seeks monetary relief of \$250,000.00 or less, the subject matter in controversy is within the jurisdictional limits of this Court.

6. Plaintiff presented his notice of claim, Standard Form 95 to the United States Postal Service, on April 11, 2022.

FACTUAL SUMMARY

7. On 9 April 2021, Plaintiff was passenger in a motor vehicle that was negligently rear-ended by Defendant Williams, who was driving a USPS mail truck while in the course and scope of his employment with the USPS. As a result, Plaintiff suffered serious injuries.

RESPONDEAT SUPERIOR

8. Defendant Williams' negligence was a proximate cause of Plaintiff's injuries and damages. At all times relevant to this case, Defendant Williams was acting for, and within the scope of his employment with, the United States of America and the United States Postal Service. Thus, the United States of America and the United States Postal Service are liable for the negligent conduct of Mr. Williams under the legal doctrine of respondeat superior.

PLAINTIFF'S CAUSES OF ACTION AGAINST DEFENDANT WILLIAMS

9. Plaintiff will show that Defendant Williams's negligent acts and/or omissions, individually and/or collectively, were a direct and proximate cause of the incident made the basis of this lawsuit and resulted in Plaintiff's injuries and damages. More specifically, the following are the actions

and/or omissions constituting Defendant Williams's negligent, careless, and reckless disregard of the duty she owed:

- A) failing to keep a proper lookout;
- B) failing to yield the right-of-way;
- C) failing to control speed;
- D) failing to apply the brakes to his motor vehicle in a timely and prudent manner;
- E) failing to take reasonable care in controlling his vehicle;
- F) following too closely; and/or
- G) driver inattention.

PLAINTIFF'S CAUSE OF ACTION AGAINST DEFENDANT USA

10. Plaintiff will show that Defendant, USA's negligent acts and/or omissions, individually and/or collectively, were a direct and proximate cause of the incident made the basis of this lawsuit and resulted in Plaintiff's injuries and damages. More specifically, the following are the actions and/or omissions constituting Defendant, USA's negligent, careless, and reckless disregard of the duty it owed:

- A) under respondeat superior, Defendant USA is liable for all of the negligent acts and/or omissions committed by Defendant Williams;
- B) entrusting its vehicle to Defendant Williams, who Defendant USA knew or should have known was incompetent and/or reckless;
- C) failing to properly train Defendant Williams;
- D) negligently hiring an incompetent Defendant Williams;
- E) negligently supervising Defendant Williams; and/or
- F) failing to comply with the Federal Motor Carrier Safety Regulations.

DAMAGES FOR PLAINTIFF

11. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff suffered severe injuries and incurred the following past and future damages:

- A) Reasonable care and medical expenses;
- B) Lost wages;
- C) Loss of earning capacity;
- D) Pain and suffering;
- E) Physical impairment; and
- F) Mental anguish.

JURY DEMAND

12. Plaintiff hereby demands a trial by jury.

PRAYER

13. Plaintiff, Carlos Spells, respectfully requests that Defendants be cited to appear and answer herein; that upon final trial hereof, Plaintiff be awarded a judgment against the Defendants for all damages, punitive damages, legally recoverable pre-judgment and post-judgment interest, all costs if court, and any other further relief to which Plaintiff may show himself justly entitled.

Respectfully submitted,

Godsey Martin, P.C.

/s/ Dominick Garza

Dominick Garza

Texas Bar No. 24072109

Federal No. 1117966

2950 North Loop West, Suite 400

Houston, TX 77092

Tel. (713) 446-8448 Ex 8330

Fax. (832) 637-4597

E-mail: dgarza@gmfirm.com

Service E-mail: gmlit@gmfirm.com

ATTORNEY FOR PLAINTIFF